

REMARKS

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. The applicant has amended claim 1 as suggested by the Examiner in order to overcome the claim objection. The applicant respectfully requests that the withdrawn claims be rejoined. However, if the Examiner disagrees, the applicant authorizes the Examiner to cancel the withdrawn claims.

Claims 1-24 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by US 7,540,984 (Calundann '984). Claims 1-24 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0062969 A1 in view of US 6,869,980 (Cui et al.) and Calundann '984. Claims 1-24 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cui et al. in view of US 6,335,419 (Matsuoka et al.) and Calundann et al (US 7,235,320) and Calundann '984. The applicant respectfully traverse these rejections.

Rejections over Calundann '984

Claims 1-24 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Calundann '984. Claims 1-24 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0062969 A1 in view of Cui and Calundann '984. Claims 1-24 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cui in view Matsuoka and Calundann '320) and Calundann '984.

Calundann '984 is reference applied in each of the rejections. Calundann '984 is assigned to the same assignee as this application BASF Fuell Cell GmbH. The Examiner stated that this application is to a different assignee. This is not correct. The applicant is in the process of submitting an assignment from PEMEAS GmbH to BASF Fuell Cell GmbH. Since the PCT

published in the German language, this reference would have not have a 35 USC 102 (e) filing date based on the filing date of the PCT application. Checking the family, the earliest publication date is of the German counterpart which is October 24, 2002 (see enclosed copy). The applicant has submitted an English certified translation of their priority document on July 6, 2009. The applicant believes that the claims are supported by their priority application (German application 102 46 461.8 filed October 4, 2002). Therefore, Calundann '984 is not longer prior art. Since all the rejections require Calundann '984 as a reference, these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 15588-00009-US from which the undersigned is authorized to draw.

Dated: October 23, 2009

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

Enclosure: Family search of Calundann '984

Family Search of Calundann '984

- 1** **Proton-conducting membrane for use e.g. in fuel cells, is made by coating a support with a solution of aromatic tetra-amine and aromatic polycarboxylic acid in polyphosphoric acid and then heating the coating** in my patents list ☐
Inventor: CALUNDANN GORDON ; SANSONE MICHAEL J (+2)
EC: B01D67/00K12; B01D67/00F10; (+5)
Applicant: CELANESE VENTURES GMBH [DE]
IPC: B01D67/00; B01D71/62; C08G73/18; (+13)
Publication info: BR0208795 (A) — 2004-03-09
- 2** **PROTON-CONDUCTING MEMBRANE AND USE THEREOF** in my patents list ☐
Inventor: KIEFER JOACHIM [DE] ; UENSAL OEMER [DE] (+2)
EC: B01D67/00K12; B01D67/00F10; (+5)
Applicant: CELANESE VENTURES GMBH [DE]
IPC: B01D67/00; B01D71/62; C08G73/18; (+13)
Publication info: CA2443541 (A1) — 2002-11-07
CA2443541 (C) — 2008-07-15
- 3** **Proton-conducting membrane and use thereof** in my patents list ☐
Inventor: SANSONE MICHAEL J [DE]
EC: B01D67/00K12; B01D67/00F10; (+5)
Applicant: CELANESE VENTURES GMBH [DE]
IPC: B01D67/00; B01D71/62; C08G73/18; (+13)
Publication info: CN1606585 (A) — 2005-04-13
CN100503689 (C) — 2009-06-24
- 4** **Proton-conducting membrane for use e.g. in fuel cells, is made by coating a support with a solution of aromatic tetra-amine and aromatic polycarboxylic acid in polyphosphoric acid and then heating the coating** in my patents list ☐
Inventor: CALUNDANN GORDON [US] ; SANSONE MICHAEL J [US] (+2)
EC: B01D67/00K12; B01D67/00F10; (+5)
Applicant: CELANESE VENTURES GMBH [DE]
IPC: B01D67/00; B01D71/62; C08G73/18; (+9)
Publication info: DE10117686 (A1) — 2002-10-24
- 5** **PROTON-CONDUCTING MEMBRANE AND USE THEREOF** in my patents list ☐
Inventor: CALUNDANN GORDON [US] ; SANSONE MICHAEL J [US] (+2)
EC: B01D67/00K12; B01D67/00F10; (+5)
Applicant: CELANESE VENTURES GMBH [DE]
IPC: B01D67/00; B01D71/62; C08G73/18; (+13)
Publication info: EP1379573 (A1) — 2004-01-14

6 No title available

in my patents list ☐

Inventor:

Applicant:

EC:

IPC: C08J5/22; C08G73/06; H01M8/02;
(+7)

Publication info:

JP2005536570 (T) — 2005-12-02

7 PROTON-CONDUCTING MEMBRANE AND USE THEREOF.

in my patents list ☐

Inventor: SANSONE MICHAEL J [US]

Applicant: CELANESE VENTURES
GMBH [DE]

EC: B01D67/00K12; B01D67/00F10; (+5)

IPC: B01D67/00; B01D71/62; C08G73/18;
(+13)

Publication info:

MXPA03009184 (A) — 2004-02-17

8 Proton-conducting membrane and the use thereof

in my patents list ☐

Inventor: CALUNDANN GORDON [US]; SANSONE
MICHAEL J [US] (+2)

Applicant: CALUNDANN GORDON, ;
SANSONE MICHAEL J, (+3)

EC: B01D67/00K12; B01D67/00F10; (+5)

IPC: B01D67/00; B01D71/62; C08G73/18;
(+10)

Publication info:

US2004096734 (A1) — 2004-05-20

US7384552 (B2) — 2008-06-10

9 Proton-Conducting Membrane and the Use Thereof

in my patents list ☐

Inventor: CALUNDANN GORDON [US]; SANSONE
MICHAEL J [US] (+2)

Applicant: BASF FUEL CELL GMBH

EC: B01D67/00K12; B01D67/00F10; (+5)

IPC: B05D5/12; B01D67/00; B01D71/62;
(+9)

Publication info:

US2008050514 (A1) — 2008-02-28

US7540984 (B2) — 2009-06-02

10 Proton-Conducting Membrane and Use Thereof

in my patents list ☐

Inventor: CALUNDANN GORDON [US]; SANSONE
MICHAEL J [US] (+2)

Applicant: BASF FUEL CELL GMBH

EC: H01M8/10B2; C09D179/04; (+3)

IPC: H01M8/00; C08L79/00; H01M4/00;
(+3)

Publication info:

US2008057358 (A1) — 2008-03-06

US7582210 (B2) — 2009-09-01

11 PROTON-CONDUCTING MEMBRANE AND USE THEREOF

in my patents list ☐

Inventor: CALUNDANN GORDON [US]; SANSONE
MICHAEL J [US] (+2)

Applicant: CELANESE VENTURES
GMBH [DE]; CALUNDANN GORDON [US]
(+3)

EC: B01D67/00K12; B01D67/00F10; (+5)

IPC: B01D67/00; B01D71/62; C08G73/18;
(+13)

Publication info:

WO02088219 (A1) — 2002-11-07